

Captioned Movies — Anytime, Anywhere

Twenty years after closed captioning debuted on the small screen, we look for captioning on the big screen. The prominent issue for many of TDI's constituents in 2000 is still about access. Ten years after the Americans with Disabilities Act (ADA) was passed, we still find places and services that remain inaccessible to individuals who are deaf, hard-of-hearing, late deafened and deaf-blind. A glaring example in each neighborhood is the local movie theater. New multiplexes are being built each year with spaces set aside for wheelchair users. Some theaters offer assistive listening devices. What about captioned movies?

Last February, eight people in Oregon sued to force movie theaters to install devices that would allow deaf people to see closed-captioned films. This lawsuit, as modified, names four national movie theater chains: Regal Cinemas; Century Theatres; Cinemark Cinemas and Carmike Cinemas. The lawsuit seeks to force movie theaters to install rear-window captioning or a similar auxiliary aid to provide captioning for patrons who are deaf or hard of hearing. "Not to be able to go to movies is socially isolating for deaf people," said attorney Dennis Steinman, who filed the federal class-action lawsuit. "Not only are they kept from that aspect of culture and society, they miss out on social interaction; they can't go out to dinner and a movie with their hearing friends."

Then in April, a similar lawsuit was filed in Washington, DC. In this case, three deaf moviegoers sued two other chains, AMC Entertainment, Inc., and Loews Cineplex Entertainment Corporation. The lawsuit states that the theaters failed to make "reasonable modification" in their practices, and failed to take necessary steps to ensure that deaf people are not excluded from or denied first run movies, in violation of the ADA. The lawsuit also states that cost-efficient technology exists to allow deaf persons to attend first run movies without fundamentally altering the nature of movies or resulting in an undue burden upon theaters. The technology referred to in the complaint is called "captioning and interpretative aids," including (a) open captioning devices and (b) closed captioning devices, such as rear window captioning.

After the second lawsuit, John Fithian, President of the National Association of Theater Owners (NATO), responded, "The lawsuits are contrary to the position of leading national disability rights organizations, counterproductive to the needs of the lawyers' clients, and wholly lacking of legal merit. The nation's movie theatre owners are proud of our efforts to bring the magic of movies to our disabled patrons, and view these lawsuits as unfounded on a cooperative industry."

On June 3, 2000, in the first of what may be a wave of many protests against movie theaters, over 100 protestors assembled in front of a United Artists theater in Philadelphia. Led by Carol Finkle, Founder and Executive Director of Creative Access, disability advocates joined deaf consumers in demanding captioned movies. Actor Mark Webber (Snow Day, Drive Me Crazy, White Boys) showed up to support the rally because he wants all people to be able to see the movies and proclaimed, "The right to communication is a basic human right". Erik von Schmetterling, a late deafened disability activist, is mad because "My money is the same as other people's money! ... Being excluded, we refuse to accept that anymore!"

The issues here are not as simple as it may seem. The ADA does not mandate movie captioning, but does mandate that movie theaters as a public accommodation be accessible to all customers, including those who need auxiliary aids. The ADA Accessibility Guideline (ADAAG), published by the U.S. Architectural and Transportation Barriers Compliance Board, or the Access Board, provides specifications on accommodations for meeting places and places of public assembly such as auditoriums and theaters. Therefore, the lawsuits argue that theaters can provide access under the ADA by installing supplemental systems. Rear Window Captioning, which is mentioned



From the Desk of the GA-SK Editor

James D. House

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in both lawsuits, is the most widely known system that fits the definition. Open captioning, which NATO prefers to use, does not require theater owners to install additional systems. The captions are “printed” on the film itself. The ADAAG applies only to the facility, and anything that is not a permanent part of the facility is not applicable.

The lawsuits and the protests are directed at the movie theaters. When you see a movie theater, you tend to think “Hollywood”. There is another important player in this whole issue – the movie studios. They produce and distribute the movies. Although the ADA is silent on the studios’ obligation, there is evidence that Congress encouraged filmmakers to produce and distribute open captioned films and arrange pre-announced showings with local theaters.

The need for movie captioning is there. Captioning benefits not only people who are deaf or hard of hearing, but also people who are learning to read and those who are learning the English language. Many viewers find that captioning supplements the audio when they “miss” the dialogue due to some distract-

tion such as noise in the theater or on the screen. The public has been exposed to television captioning for more than twenty years. Studios routinely export captioned versions of Hollywood blockbusters to Europe where different languages are spoken. Museums, theaters and opera houses make captioning available at the flick of a switch or through “surtitles”, which are boxes that display captions on the side of the stage.

While TDI supports the right of individuals and organizations to seek remedies for discrimination, we recognize that both theaters and studios need to share equal responsibility to provide access. Theaters do not make the movie that they show, they provide the facility and under the ADA, they have to be accessible. Studios need to incorporate captioning in their standard operating procedures, rather than making it an “after-thought” so the captions are available the same day the film is released. While TDI does not endorse a particular captioning technology, as an organizational member of the Coalition for Movie Captioning, we stand ready to help both studios and theaters to come up with long-range solutions so everyone can enjoy the cinematic experience with their families and friends. **SK**

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When we printed the 2000 Blue Book, only two states offered 7-1-1 services. We still have not achieved 100% coverage, but here are the 15 states that now or will soon offer 7-1-1 by the end of this year:

Connecticut, Delaware, District of Columbia, Hawaii (with 5-1-1 for relay calls by voice), Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia

Note: 7-1-1 service is also available in Canada. If your state is not listed here, please inform us and the date it began (or will begin) so we can note it in the 2001 Blue Book.

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